

Message Text

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13

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 COME-00 EB-11 INR-10 LAB-06

NSAE-00 RSC-01 SIL-01 DODE-00 PM-07 H-03 L-03 NSC-10

PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 IO-14 AID-20

DRC-01 OMB-01 /171 W

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R 172130Z OCT 73

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 6206

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E.O. 11652: N/A

TAGS: CI, ELAB

SUBJ: JUNTA ISSUES LABOR DECREES

1. SUMMARY. DIARIO OFICIAL OCT 4 CARRIED TEXT DECREE ESTABLISHING SPECIAL TRIBUNALS TO HEAR APPEALS FROM WORKERS DISMISSED SINCE SEPT 11 CHANGE OF GOVT. OCT 12 DIARIO OFICIAL OUTLINES NEW WORK SCHEDULES AND PAY TREATMENT (48 HOURS PER WEEK AT STRAIGHT TIME) FOR ALL PRIVATE AND PUBLIC EMPLOYEES. SAME ISSUE INCLUDES DECREE WHICH SUSPENDS MEMBERS OF MOST SOCIAL SECURITY ADMINISTRATIVE BOARDS BUT ORDERS CONTINUED OPERATION OF ALL SOCIAL SECURITY FUNDS. END SUMMARY.

2. DECREE NO. 32, DATED SEPT 21 BUT FIRST ANNOUNCED IN OCT 4 DIARIO OFICIAL, OUTLINES PROCEDURES FOR ESTABLISHMENT OF SPECIAL TRIBUNALS WHICH WILL HEAR APPEALS OF WORKERS (WHITE OR BLUE-COLLAR) WHO FEEL THEY HAVE BEEN UNJUSTLY DISMISSED IN HOUSECLEANINGS WHICH HAVE OCCURRED SINCE SEPT 11. THESE TRIBUNALS WHICH WILL BE ORGANIZED IN ALL PROVINCES (SANTIAGO TO HAVE FIVE) WILL INCLUDE "THE JUDGE WHO IS EXPERIENCED IN LABOR MATTERS," A REPRESENTATIVE OF THE ARMED FORCES AND CARABINEROS, AND A LOCAL LABOR INSPECTOR. PROVISIONS INDICATE THAT WORKER MUST FILE APPEAL WITHIN 20 DAYS OF DISMISSAL

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AND DECISION MUST BE RENDERED BY TRIBUNAL WITHIN 30 DAYS DATE

OF HEARING. A NUMBER OF "JUST CAUSES" FOR DISMISSAL ARE OUTLINED INCLUDING REFUSING TO WORK, INCITING OR PROHIBITING OTHERS FROM WORKING, DESTRUCTION OF EQUIPMENT OR MATERIAL, PROVOKING STRIKES, OR POSSESSION OR TRANSPORTATION OF ARMS. SPECIFIC PROVISIONS OF PREVIOUS LABOR CODES WHICH GRANTED IMMUNITY TO ELECTED UNION LEADERS FOR MOST OFFENSES (FUERO SINDICAL) IS SUSPENDED BY NEW DECREE. WORKERS FOUND TO HAVE BEEN UNJUSTLY DISMISSED ARE TO BE REINSTATED WITH FULL PAY FOR PERIOD OF INACTIVITY. COMMENT: ALTHOUGH WE HAVE HEARD NO REPORTS THAT THESE TRIBUNALS ARE PRESENTLY FUNCTIONING, ANNOUNCEMENT OF THEIR CREATION HAS PROMPTED SOME LABOR LEADERS TO EXPRESS PRIVATELY MILD HOPE THAT JUNTA'S LABOR STANCE MAY BE MODERATING.

3. DECREE NO. 35, DATED SEPT 24 AND PUBLISHED OCT 12, ESTABLISHES NEW WEEKLY WORK SCHEDULES. FOUR HOURS ARE ADDED TO THE CUSTOMARY 44-HOUR SCHEDULES, ESTABLISHING A 48-HOUR, SIX-DAY (8 HOURS DAILY MONDAY THROUGH SATURDAY) SCHEDULE. COMPENSATION FOR EXTRA HOURS WILL BE MADE AT REGULAR HOURLY RATE TO EMPLOYEE. ANY PREMIUM OR OVERTIME PAYMENT WHICH WOULD HAVE PREVIOUSLY BEEN PAID TO EMPLOYEE MUST NOW BE REMITTED TO NATIONAL RECONSTRUCTION FUND. DECREE IMPOSES FINES ON EMPLOYERS WHO FAIL TO COMPLY WITH THESE PROVISIONS. IT EXPIRES DEC 31, 1973.

4. DECREE NO. 49, DATED SEPT 27 AND PUBLISHED OCT 12, SUSPENDS ALL BOARDS OF DIRECTORS (CONSEJOS) OF ALL THE MANY SEPARATE SOCIAL SECURITY FUNDS (CAJAS) WHICH EXIST IN CHILE AND DECLARES ALL BOARD POSITIONS VACANT. SPECIFICALLY EXCEPTED IN DECREE ARE NEWLY APPOINTED MEMBERS OF THE FUND WHICH COVERS MERCHANTS, LIGHT INDUSTRY AND VEHICLE OWNER-OPERATORS; THE FUND OF SANTIAGO MUNICIPAL EMPLOYEES; AND, MUTUAL INSURANCE FUNDS. DECREE DIRECTS ADMINISTRATIVE DIRECTORS OF ALL FUNDS TO CONTINUE OPERATIONS IN STRICT COMPLIANCE WITH LAW DURING SUSPENSION OF BOARDS' ACTIVITIES. COMMENT: WE ASSUME THAT PURPOSE OF DECREE 49 IS GENERAL HOUSECLEANING OF ALL POLITICAL APPOINTEES NAMED TO BOARDS BY PREVIOUS GOVT. PROVISIONS DIRECTING CONTINUANCE OF NORMAL BENEFIT PAYMENTS IMPLY THAT NO MAJOR CHANGES IN BENEFIT LEVELS ARE PRESENTLY INTENDED.

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